

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**SERGEY ALEJNIKOV,**

**Plaintiff,**

**v.**

**THE GOLDMAN SACHS GROUP, INC.,**

**Defendant.**

Civ. No. 12-5994 (KM)

**ORDER**

**THIS MATTER** having been opened to the Court upon the motion of Plaintiff Sergey Aleynikov ("Aleynikov"), through his counsel, Marino, Tortorella & Boyle, P.C., on an Application pursuant to Fed. R. Civ. P. 65(a) and Local Civ. R. 65.1 for a preliminary injunction and on a Motion pursuant to Fed. R. Civ. P. 56 and Local Civ. R. 56.1 for summary judgment, and by the Defendant The Goldman Sachs Group, Inc. ("GS Group"), through its counsel, Wolff & Samson P.C. and Boies, Schiller & Flexner LLP, on a Motion pursuant to Fed. R. Civ. P. 12(b)(6) and 56(a) to dismiss Aleynikov's Verified Complaint, or in the alternative, for summary judgment; and the Court having reviewed the submissions of the parties and having heard oral argument on the Plaintiff's application for a preliminary injunction; and good cause appearing, in accordance with the Opinion filed herewith;

**IT IS** on this 14th day of December, 2012,

**ORDERED** that Plaintiff's Application for a Preliminary Injunction is **DENIED**; and it is further

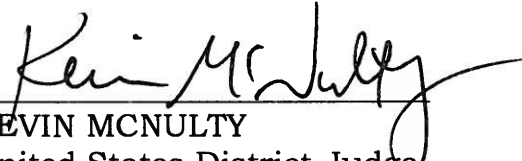
**ORDERED** that Plaintiff's Motion for Summary Judgment is **DENIED**; and it is further

**ORDERED** that Defendant's Motion to Dismiss the complaint, or in the alternative, for Summary Judgment is **DENIED**; and it is finally

**ORDERED** that the parties are granted leave to engage in discovery on an expedited schedule to be arrived at by consent or, if necessary, in

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consultation with Magistrate Judge Hammer, at the conclusion of which Plaintiff and Defendant may renew their motions for summary judgment.

  
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KEVIN MCNULTY  
United States District Judge

Date: December 14, 2012